

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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2006 FEB -2 P 1:48  
U.S. DISTRICT COURT  
DISTRICT OF MASS

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC, et al.,

Defendants

Civil Action: **04-30126-MAP**

**PLAINTIFF DONALD C. HUTCHINS' MEMORANDUM IN OPPOSITION TO  
DEFENDANT COMPLIENT CORPORATION'S MOTION TO REMAND**

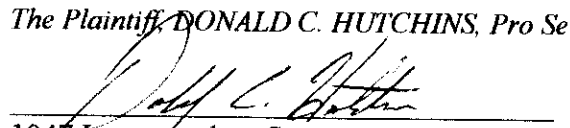
Defendant Complient Corporation's Motion to Remand that was filed January 30, 2006 should be stricken for failure to meet the requirements of Local Rule 7.1(b)(2). Plaintiff, Donald C. Hutchins ("Hutchins") filed a Motion for Removal on December 23, 2005. This Motion was not answered or opposed by the Complient Corporation ("Complient"). At a Hearing that was held on January 4, 2006 the Court construed Hutchins' Motion for Removal as a Notice of Removal. At the suggestion of the Court, Hutchins subsequently filed an Amended Notice of Removal on January 5, 2006. This Notice of Removal was not answered or opposed by Complient.

37 days after Hutchins' Motion for Removal was filed and 25 days after Hutchins' Amended Notice of Removal was filed, Complient has answered with this Motion for Remand that exceeds the 14 day submission requirements of Local Rule 7.1(b)(2). This Motion to Remand is a thinly-veiled attempt to skirt the rules of this Court.

Hutchins, as a Defendant in the Counter Claims of Compliant, respectfully requests that Case Number 05-1115 be removed to this Court. This Removal action will help eliminate the possibility of duplicate damages as discussed at the Hearing of January 4, 2006.

*The Plaintiff, DONALD C. HUTCHINS, Pro Se*

Dated: February 2, 2006

  
1047 Longmeadow Street  
Longmeadow, Massachusetts 01106  
(413) 734-2625  
(413) 739-4060 (facsimile)

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by registered mail to:

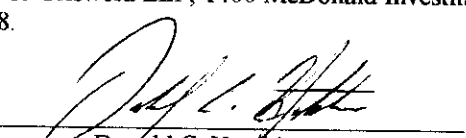
Randall T. Skaar, Esq., Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South Eighth St., Minneapolis, MN 55402.

Paul T. Rothschild, Esq., Bacon & Wilson P.C., 33 State Street, Springfield, MA 01103.

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Colleen O'Neil, Esq., Calfee, Halter & Griswold LLP, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114-2688.

Dated: 2/2/06

  
Donald C. Hutchins